IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 179 OF 2006.

Shivaji Sidu Patil .. Petitioner

versus

State of Maharashtra & Ors. .. Respondents.

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Mr.A.M. Joshi for the petitioner

Mr.D.A.Patil, AGP for respondent no. 1 to 3.

CORAM : D.G. KARNIK, J

DATED : 11th September, 2006.

P.C:-

1. Heard learned counsel for the petitioner and the learned AGP for the respondent nos. 1 to 3.

2. In this petition the petitioner has alleged that the respondent no. 4 has committed breach of the order passed by Division Bench of this court on 22nd September, 2004.

3. On 22nd September, 2004, in Writ Peition No. 7733 of 2004, this court passed the following Order :-

> " In the result the petition succeeds Respondent No.2 is directed to fix the pay scale of the petitioners in the post of Extension Officer (Education) right from the date of their respective appointments and Extension Officer (Education) and release differential amount of salary within a period of 3 months from today. It is also made clear that the petitioners will be entitled to Chatopadhyay scale provided they comply with the terms and conditions of the relevant Govt. Resolutions. Rule is accordingly made absolute. No order as to costs.

By this order, this court directed the respondent no. 4 therein to fix the pay scale of petitioner in the post of Extension Officer (Education) and release differential amount of salary within a period of three months. By filing an affidavit in reply, respondent

no. 1 to 3 have pointed out that the respondent no.4 has fixed the pay scale of the petitioner as ordered

..3..

by this court. Copy of the order dated 18/30th November, 2004 fixing the pay scale is annexed as annexure to the affidavit in reply.

4. Mr. A.M. Joshi, learned counsel for the petitioner contended that the order passed on 18/30th November, 2004 is not correct and is erronous. The said fixation is erronous. If the petitioner is aggrieved he is free to challange the order dated 18/30 the November, 2004. Since the pay fixation has been made, it cannot be said that the respondents have violated the directions issued by the Division Bench of this court.

5. For these reasons the contempt petition is dismissed sammerily.

(D.G. KARNIK, J.)